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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the Centre Europe-Tiers Monde,
a non-governmental organization on the Roster

The Secretary-General has received the following written statement,
which is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[18 January 1993]

1. The Centre Europe-Tiers Monde (CETIM) has for several years been closely following developments in the human rights situation of the Kurdish people, especially in Turkey. For this reason CETIM would like to help make more widely known the public statement by the European Committee for the Prevention of Torture (CPT), excerpts from which appear below*.

* Underlining added.

2. On 21 December 1992, the European Committee for the Prevention of Torture (CPT) decided, for the first time in its history, to make an 11-page public statement on torture in Turkey, which was published in Strasbourg. The CPT reveals the findings of three visits it had made to various places of detention in Turkey:

THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
DENOUNCES TORTURE IN TURKEY

"(...) At its 14th meeting (28 September to 2 October 1992), the CPT reviewed the measures taken by the Turkish authorities following recommendations made by the Committee in its mission reports. The Committee concluded that the Turkish authorities had continuously failed to improve the situation in the light of its recommendations on (i) the strengthening of legal guarantees against torture and other forms of ill-treatment in police (and gendarmerie) establishments and (ii) the activities of the anti-terrorism divisions of the Ankara and Diyarbakir police departments, and that that failure justified recourse to article 10, paragraph 2, of the Convention. (...)

(...) In the first place, the CPT was struck by the extremely high number of allegations of torture and other forms of ill-treatment by the police which it received during its visit, and by the wide range of individuals who made those allegations. It was also struck by the consistency of the descriptions of specific types of torture and ill-treatment contained in the allegations. It should be noted that the allegations were made by persons suspected or found guilty of violating the anti-terrorism laws and by persons suspected or found guilty of violating the ordinary laws.

Regarding the types of ill-treatment alleged, the following forms were repeatedly described: hanging by the arms; hanging by the wrists, with the wrists attached behind the victim's back (so-called Palestinian hanging; a technique that appears to be used in the anti-terrorism divisions especially); electric shocks to sensitive parts of the body (including the genital organs); squeezing of the testicles; blows to the soles of the feet ('falaka'); spraying with cold water under pressure; detention for prolonged periods in extremely narrow, dark and poorly-ventilated cells; threats of torture or other forms of serious ill-treatment against the person detained or third parties; severe psychological humiliation. 2/

The medical data obtained by the CPT should also be stressed. A significant number of persons examined by doctors forming part of the CPT mission displayed physical injuries or other medical symptoms consistent with their allegations of torture or ill-treatment by the police (...)

2/ The CPT mission found instruments of torture in the Ankara and Diyarbakir police departments.

During its second visit to Turkey, in autumn 1991, the Committee noted that no progress had been made in eliminating torture and ill-treatment by the police. Many persons claimed to have been subjected to such treatment during the 12 preceding months. The types of ill-treatment alleged had hardly changed, except that a growing number of allegations concerned the forcible introduction of a stick or club into body openings. Once more, a number of persons who stated that they had been ill-treated revealed upon examination injuries or other medical symptoms consistent with their allegations. (...)

In its report on its second visit to Turkey, the Committee repeated its earlier recommendations for preventing torture and other forms of ill-treatment. It also recommended that a body of independent persons should immediately be set up to conduct a thorough inquiry into the methods used by the police officers of the anti-terrorism divisions of the Ankara and Diyarbakir police departments when detaining and questioning suspects. In the light of the information collected during the CPT's second visit, it was also emphasized that the inquiry should be extended to include the anti-terrorism division of the Istanbul police department.

One year after transmitting its second report, the Committee took stock of the measures taken by the Turkish authorities concerning all of the recommendations contained in the reports prepared after its two visits. It noted that progress had been made on some points. Some measures, both legal and practical, had been taken in response to the CPT's recommendations on the physical conditions of detention in the police and gendarmerie establishments. The dialogue between the Turkish authorities and the Committee on questions relating to prisons appeared to be beginning to bear fruit. On the other hand, no concrete progress had been made in implementing the major recommendations relating to torture and other forms of ill-treatment in police establishments. (...)

Furthermore, no satisfactory measures had been taken on the CPT's recommendation concerning the anti-terrorism divisions of the Ankara and Diyarbakir police departments. The National Grand Assembly's Commission of Inquiry into Human Rights - which had been entrusted with the task of conducting the inquiry recommended by the Committee - had failed to act swiftly. It was not until 29 June 1992 that the competent subcommittee of the Commission first visited the Ankara police department (a second visit was apparently made on 7 July 1992). Furthermore, at the time of the meetings between the Turkish authorities and a mission of the CPT, which took place in Ankara around the end of September 1992, the subcommittee had still not communicated its findings to the Commission of Inquiry. The subcommittee had also not visited the anti-terrorism division of the Diyarbakir police department (or, for that matter, the anti-terrorism division of the Istanbul police department). In addition, it was obvious from the information given the CPT by a member of the subcommittee that the visits to the Ankara police department had been superficial. It was also clear that the subcommittee had neither the necessary powers nor the required professional competence to conduct the 'inquiry' recommended by the CPT in its second report.

It should be added that information received from representatives of the Ministry of the Interior at the above-mentioned meetings in September 1992 revealed that no credible measures had been taken at the administrative level in response to the CPT's successive recommendations concerning the anti-terrorism divisions of the Ankara and Diyarbakir police departments. The only inquiries begun had been entrusted to the same police units that the Committee had concluded were practising torture. It is therefore not at all surprising that they came to nothing.

In short, nearly two years after the Committee's first visit, very little had been done to strengthen legal guarantees against torture and ill-treatment, and no practical step had been taken to remedy the situation noted by the Committee in the anti-terrorism divisions of the Ankara and Diyarbakir police departments. At the same time, the Committee has continued to receive reports on the practice of torture and other forms of serious ill-treatment in those divisions, and in numerous other police establishments in Turkey. (...)"

3. In the light of the CPT's public statement, CETIM notes that Turkey is failing to comply with the various provisions of international human rights law which it has undertaken to uphold. By becoming a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Turkey took on legal obligations by which it must abide.

4. In the spirit of the CPT's public statement, CETIM recommends that the Commission on Human Rights should make every effort to ensure that Turkey firmly undertakes:

- (i) to take effective measures to put an end to the practice of torture and ill-treatment in police establishments and prisons;
- (ii) to implement the international human rights conventions and treaties ratified by the Government, in particular the European Convention on Human Rights, throughout the national territory.
